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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

**ESTATE OF RUSSELL MONACO, BY AND)
THROUGH KATHY MONACO, WRONGFUL)
DEATH REPRESENTATIVE AND)
PERSONAL REPRESENTATIVE, AND)
KATHY MONACO, INDIVIDUALLY AND)
ON BEHALF OF MINOR CHILDREN,)**

Plaintiffs,

vs.

**HARLEY G. MORRELL, PA-C, JOHN)
SCHNEIDER, JR., M.D., NORTHERN)
ROCKIES NEURO-SPINE, P.C., a Wyoming)
Corporation, WEST PARK HOSPITAL)
DISTRICT, WEST PARK HOSPITAL,)
QUORUM HEALTH RESOURCES, LLC, a)
Delaware Corporation, AND JOHN DOES 1)
THROUGH 10,)**

Defendants.

13-CV-151S

PLAINTIFFS' RULE 37(a)(3)(A) MOTION TO COMPEL

COMES NOW Plaintiff Estate of Russell Monaco, by and through their undersigned
counsel of record, Jon M. Moyers, Moyers Law P.C., and Fred Paoli, Bogue, Paoli & Thomas,

LLC, and, pursuant to Federal Rule of Civil Procedure 37(a)(3)(A), herewith move this Court to compel Rule 26(a) disclosures by Defendants and for appropriate sanctions. Defendants Schneider, Northern Rockies Neuro-Spine LLC, West Park Hospital District, West Park Hospital, Quorum Health Resources, LLC, have failed to file their mandatory initial disclosures pursuant to Federal Rule of Civil Procedure 26(a).

Pursuant to Rule 26, these disclosures were due within 14 days after the parties' Rule 26(f) conference, or by at least April 3, 2014, unless another time was set by agreement or court order. At the parties' Rule 26(f)(3) initial conference, Defendants committed to filing their disclosures on or before April 4, 2014. That deadline was contained in the parties' Joint Discovery Plan (filed on March 7, 2014), and Defendants reaffirmed that deadline to the Honorable Kelly H. Rankin, United States Magistrate Judge for the District of Wyoming, at the Initial Pretrial Conference on March 20, 2014. To date, however, Defendants have not filed their disclosures.

On several occasions, counsel for Plaintiffs reminded Defendants of the passed deadline. On April 11, 2014, Plaintiffs' counsel sent the following request:

Gentle Folks: I have yet to receive the defendants' R26(a)1 disclosures. Can you advise of the status? I thought these were being served on 4/4. I have the State's only. Thx.

See attached email (Exhibit A). In response, counsel for Defendants agreed to provide their disclosures. None was served.

Again, on May 5, 2015, Plaintiffs' counsel sent another email asking Defendants to file their disclosures immediately:

Gentle Folks:

Defendants' Initial Disclosures were to be served by 4/4 per agreement, Rule 26a, and Court order. I had sent an earlier reminder, per our good faith requirement. To avoid a R37(a)(2)(A) motion, please file your disclosures ASAP or let me

know of any issues warranting your client's further delay. I don't want to have the Scheduling Order derailed.

See attached email (Exhibit B). To date, Defendants have not responded to that email, provided this Court with any justification for its dilatory initial disclosures, moved for additional time, or filed their disclosures.

By this motion, Plaintiffs herewith move this Court to compel those initial disclosures and for appropriate sanctions as this Court deems just and proper under the circumstances.

DATED this 7th of May, 2014.

BOGUE PAOLI & THOMAS LLC

/s/ Alfred F. Paoli, Jr.

By: _____

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2014, I electronically filed the foregoing with the Clerk of the Court using CM/ECF System which will send notification of such filing to the following:

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I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

No manual recipients.

BOGUE PAOLI & THOMAS LLC

/s/ Alfred F. Paoli, Jr.

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